

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

Dt. of Order: 21-7-94.

OA 558/92.

G.Venkat Reddy

...Applicant

Vs.

1. Union of India, rep. by its Secretary, Ministry of Personnel, Public Grievances and Pensions, New Delhi-1.
2. Registrar, Central Administrative Tribunal, Principal Bench, Copernicus Marg, Faridkot House, New Delhi.
3. Registrar, Central Administrative Tribunal, Hyderabad Bench, at Hyderabad.
4. G.Veeranna,
5. I.Yadagiri,
6. V.Ravikumar,
7. M.V.S.Murthy

....Respondents

Counsel for the Applicant : Shri T.Jayant

Counsel for the Respondents : Shri V.Bhimanna, CGSC

CORAM:

THE HON'BLE SHRI A.V.HARIDASAN : MEMBER (J)

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

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(Order of the Divn. Bench passed by Hon'ble
Shri A.B.Gorthi, Member (A)).

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The relief claimed by the applicant is for a direction to the Respondents to determine his seniority in the cadre of Peon on the basis of his initial appointment on 25-11-86 said though the/appointment was on an adhoc basis.

2. The applicant was initially engaged as a Peon in the Central Administrative Tribunal, Hyderabad Bench at Hyderabad with effect from 10-6-86 on Daily Wages. Thereafter he was given adhoc appointment in the post of Peon with effect from 25-11-86 vide order dt. 25-2-87. His services was subsequently regularised with effect from 1-8-87 and this would be evident from the Draft Seniority List of the Peons circulated vide memo dt. 12/15-7-91. These facts are not in dispute. The claim of the applicant is that the adhoc service rendered by him with effect from 25-11-86 should be taken into consideration as regular service for the purpose of reckoning his seniority.

3. The Respondents in their reply affidavit have stated that the initial engagement of the applicant was on Daily Wages and that the applicant was not a candidate sponsored by the Employment Exchange. As his initial engagement was not

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lated vide letter dt.12/15-7-91. In that it was shown that the date of adhoc appointment of the applicant was on 25-11-86 and that the date of regularisation was 1-8-87. The applicant's counsel contends that as per Note-II, to which reference has already/made, the adhoc service of the applicant with effect from 25-11-86 should have been treated as regular service. In other words his contention is that the date of regularisation of the applicant should have been from the date of his adhoc appointment i.e. with effect from 25-11-86 and not from 1-8-87 as shown in the draft seniority list.

5. The grievance of the applicant is also on the ground that the employees whose names were shown at Sl.No.1 to 5 were not the regular employees in their parent establishments and as such the date of their joining their parent establishments/should not have been made the basis for giving them regularisation from a date anterior to that given to the applicant. There is nothing on record before us to indicate whether the employees shown at Sl.Nos. 1 to 5 in the draft seniority list were appointed in their parent establishment on a regular basis or otherwise. In view of this position we are not inclined to accept the contention of the applicant's counsel that their entry in the parent establishment should be treated not as a regular.

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6. Even presuming that the official at Sl.Nos.1 to 5 in the draft seniority list joined the parent establishments on a regular basis, the fact remains that the employee at Sl. No.5, Mr.M.V.S.Murthy (Respondent No.7) joined his parent establishment on 31-1-87 only. If the applicant has to be given the benefit of his adhoc service for the purpose of his seniority then he would be deemed to have been regularised with effect from 25-11-86 and he would become senior to Mr.M.V.S.Murthy (Respondent No.7).

7. Learned counsel for the applicant further states that he does not wish to dispute the seniority of the applicant vis-a-vis the others in the seniority list, but what is important is that the applicant's seniority vis-a-vis Respondent No.7 must be correctly determined. We find from the draft seniority list that the Respondent No.7 joined A.P.Secretariat on 31-1-87 and that the applicant was appointed on an adhoc basis on 25-11-86. In view of the categorical clarification given by the Principal Bench vide Note-II contained in the Principle Bench letter No.1/55/90-Estt dt.11-7-91 there can be no doubt that the service of the applicant rendered in the post of Peon prior to the promulgation of the recruitment rules will have to be deemed to be regular service in that grade even if the appointment was made on adhoc basis. As admittedly the applicant was appointed on an adhoc basis with effect from 25-11-86 his

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services with effect from that date shall be deemed to be regular service. Accordingly his date of regularisation shall have to be 25-11-86 and not 1-8-87 as shown in the draft seniority list.

8. In the result the Respondents are directed to give the applicant the benefit of Note-II contained in letter F.No.1/55/90-Estt dt.11-7-91 and treat the adhoc service rendered by the applicant with effect from 25-11-86 as regular service and refix his seniority accordingly.

9. The Original Application is/accordingly without any order as to costs.

tharayam
(A.B.GORTHI)
Member (A)

A. V. Haridasan
(A.V.HARIDASAN)
Member (J)

Dt. 21st July, 1994.
Dictated in Open Court.

avl/

Amol 26-7-94
DEPUTY REGISTRAR(J)

Copy to:

1. The Secretary, Ministry of Personnel, Public Grievances and Pensions, New Delhi -1.
2. Registrar, Central Administrative Tribunal, Principal Bench, Copernicus Marg, Faridkot House, New Delhi.
3. The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad.
4. One copy to Mr.T.Jayant, Advocate, CAT, Hyderabad.
5. One copy to Mr.V.Bhimanna, CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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